

Attorney Docket No.: 123260/11886 (21635-0088)
Application No.: 10/603,704

-6-

Remarks

This application has been reviewed in light of the Restriction Requirement of September 27, 2005. Claims 1-5 and 7-15 are pending. All claims are subject to a species/genus restriction (although no mention is made of claim 5). In response and prior to the first Office Action on the merits, claims 7-9 and 14 are amended; claim 6 is cancelled, without prejudice; and the following remarks are submitted. Reconsideration of this application, as amended, is requested.

In each case, the amendments to claims 7-9 and 14 have broadened the scope of the respective claims.

A four-way genus/species restriction is asserted.

Applicant has amended the claims to eliminate any reference to new-make or prior use, so that all of the claims fall within species A, and Applicant therefore elects Species A. Claims 1-5 and 7-15 are believed to read on Species A.

Applicant agrees that the claims of Species A are generic.

Species B addressed to claim 4 is not a correct genus/species distinction, as claim 4 depends from claim 1 and includes all species covered by claim 1. Nothing in claim 4 makes any distinction between new-make and previously in-service articles. The limitation "welding the wear-resistant material to the case-support area" does not suggest that the outer case is new-make or has previously been in service.

Species C has been obviated by amending claim 14 to eliminate the language relating to the outer case previously being in service.

Species D has been obviated by canceling claim 6 and amending claims 7-8 to depend from claim 1 and by amending claim 9 to eliminate the reference to prior service.

None of the pending claims recite anything about whether the article is new-make or has previously been in service, which was the basis for the Restriction Requirement.

Applicant respectfully requests that all of claims 1-5 and 7-15 be examined on the merits.

Attorney Docket No.: 123260/11886 (21635-0088)
Application No.: 10/603,704

-7-

CONCLUSION

Applicant requests that following entry of the foregoing amendments, the Application be examined on the merits and allowed in a timely manner. If the Examiner believes that prosecution of this Application could be expedited by a telephone conference, the Examiner is encouraged to contact the Applicant's undersigned representative.

This Response has been filed within one (1) month of the mailing date of the Restriction Requirement and it is believed that no fees are due with the filing of this paper. In the event that Applicant is mistaken in these calculations, the Commissioner is hereby authorized to deduct any fees determined by the Patent Office to be due from the undersigned's Deposit Account No. 50-1059.

Dated: October 27, 2005

Respectfully submitted,

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PTO/SB/07 (08-03)

Approved for use through 07/31/2008. OMB 0651-0031

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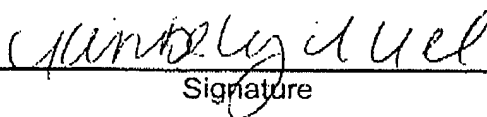
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Transmittal Form

Response to Restriction Requirement (7 pages)

Certificate of Fax Transmittal

Attorney Docket No.: 123260/11886 (21635-0088-01)

Application No.: 10/003,704

Filed: June 25, 2003

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